

### **REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office Action dated July 19, 2004. After entry of this amendment, claims 1-2, and 5-12 will be pending. Claims 3, 4, and 13 have been canceled. Claims 1, 6 and 10 have been amended.

Reconsideration and allowance is respectfully requested in view of the amendments made and the remarks made below.

#### **1. The Drawing Objections**

The drawings were objected to because reference number 84 is not in the figures as disclosed on page 7, line 2. FIGURE 5 has been amended to include the reference number 84.

The drawings were objected to because reference number 80, shown in FIGURE 5, is not in the specification. The Applicant has amended the Specification to now indicate that reference number 80 is the adhesive mesh joint tape.

The Applicant believes all drawing objections have been overcome and requests acknowledgment to that effect.

#### **2. The Rejections under 35 U.S.C. §102(b)**

Claims 1-7 and 9-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,967,846 to Utzman (hereinafter "Utzman"). The Applicant respectfully submits that the limitations of newly amended independent claims 1,6, and 10 are not met by Utzman.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 has been amended to now have the limitations "wherein said butt block has an angled first portion and an angled second portion that meet at a central axis," "securing first portions of the respective sheets to the butt block, and then securing second portions of the sheets, which are closer to the area at which the joint is to be made than the first portions, to the butt block, thereby gradually pulling the sheets against the recessed surface to form a secondary recess on an exterior of the drywall sheet in the area at which the joint is to be made," and that

the butt block is "flexible." Support for this amendment can be found in the Specification at page 6, lines 5-24 and in FIGURES 3-5. Claim 6 has been amended to now require the limitations of "a center axis located in a central area of said butt block," "angled, flexible, recess defining means," "a third surface closer to said central axis than said first and second surfaces, a fourth surface closer to said central axis than said first and second surfaces," and "wherein said secondary recess is formed by securing said first surface and said second surface to said first and second sheets of drywall and then securing said third and fourth surfaces to said first and second sheets of drywall." Support for this amendment can be found in the Specification at page 6, lines 5-24 and in FIGURES 3-5. Claim 10 has been amended to now require the limitations of "wherein said recess forming means comprises a flexible butt block comprising a first surface for engaging the first sheet of drywall; a second surface for engaging the second sheet of drywall; a central axis located in a central area of said butt block; an angled third surface closer to said central axis than said first and second surfaces; an angled fourth surface closer to said central axis than said first and second surfaces and a recess defining means defining a recessed area between said first and second surfaces, said recess defining means being constructed and arranged to be drawn into contact with butt edge areas of the first and second sheets of drywall when fully secured to said sheets of drywall, whereby the butt edge areas will be caused to form a concave secondary recess on an exterior surface of the drywall joint; and wherein said secondary recess is formed by securing said first surface and said second surface to said first and second sheets of drywall and then securing said third and fourth surfaces to said first and second sheets of drywall." Support for this amendment can be found in the Specification at page 6, lines 5-24 and in FIGURES 3-5.

Utzman discloses in Fig. 1 a solid support 3 having an angular depression along the center line. In Utzman, support 3 is formed of wood or metal. See page 2, line 72. Boards 2 are secured by a series of nails 6 to support 3. See page 2, lines 32-47. Utzman does not disclose the manner and order in which boards 2 are nailed to support 3. Instead, it is merely stated that the boards are secured to support 3. See page 2 lines 46-47.

In the Applicant's invention, sheets 12 and 14 are secured to butt block 40 in a special manner in order to ensure that that secondary recess 78 is well defined and not extensively deep so as to reduce the need for large amounts of joint compound in order to seal the joint. By

having butt block 40 formed at a slight angle, and having the sheets secured to butt block 40 by being first secured to first flange 42 and second flange 44 and then to first recessed panel 52 and second recessed panel 54, creates a more aesthetically appealing secondary recess 78 than that formed by Utzman. The flexibility of butt block 40, due to being formed of fiberglass or some similar material that has sufficient flexibility to be drawn towards the drywall sheets when the sheets are being secured, assists in the creation of a secondary recess 78 that will be sufficiently aesthetically appealing. When sheets 12 and 14 are being secured to butt block 40 in the manner set forth above, butt block 40 bends towards drywall sheets 12,14 as they are being secured. Utzman neither teaches or contemplates having support 3 be flexible, or that the boards 2 be secured in a certain fashion. The Applicant's invention permits a smoother and shallower secondary recess 78 than the joint created in Utzman.

Therefore, the Applicant submits that Utzman does not disclose the limitations of independent claims 1, 6, and 10 requiring that the butt block be flexible and that the drywall sheets are to be secured to the butt block in a certain fashion. The Applicant respectfully submits that claims 1, 6, and 10 are now in condition for allowance. The Applicant further submits that claims 2, 5, 7-9, and 11-12 are allowable by virtue of their dependence on allowable independent claims.

Claims 6, 7, and 9-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,237,669 to Hunter (hereinafter "Hunter"). The Applicant respectfully submits that the limitations of newly amended independent claims 6 and 10 are not met by Hunter.

Hunter discloses having a metal bracket 4. See col. 2, lines 14-17. Bracket 4 is secured to studs 2 and plaster board 1. Hunter does not have angled surfaces that are used for securing the board 1. Hunter does not disclose securing board 1 to bracket 4 in the same fashion that the Applicant's butt block is secured to the drywall sheets. Fig. 2 of Hunter shows that screws 7 are only placed through the board 1 at three different areas of the bracket and are not placed at the area that would correspond to second flange 44 of the Applicant's invention. Therefore, Hunter's finished joint would not be the same as the joint formed by the Applicant's butt block.

Hunter does not meet the limitations of amended claim 6 that require having, "angled, flexible, recess defining means," and that of "wherein said secondary recess is formed by securing said first surface and said second surface to said first and second sheets of drywall and

then securing said third and fourth surfaces to said first and second sheets of drywall.” Hunter does not meet the limitations of amended claim 10 that require angled surfaces and require that the drywall sheets be secured to the butt block in a certain fashion.

The Applicant respectfully submits that claims 6 and 10 are now in condition for allowance. The Applicant further submits that claims 7-9, and 11-12 are allowable by virtue of their dependence on allowable independent claims.

### **3. The Rejections under 35 U.S.C §103(a)**

Claims 1-5 were rejected under 35 U.S.C §103(a) as being unpatentable over Hunter in view of Utzman. The Applicant respectfully submits that not all of the limitations of amended claim 1, are taught by either Hunter or Utzman.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 265 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

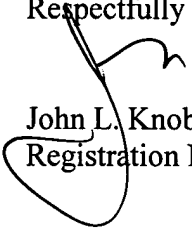
As discussed above in section 2. Neither Hunter, nor Utzman disclose “securing first portions of the respective sheets to the butt block, and then securing second portions of the sheets, which are closer to the area at which the joint is to be made than the first portions, to the butt block, thereby gradually pulling the sheets against the recessed surface to form a secondary recess on an exterior of the drywall sheet in the area at which the joint is to be made.” Hunter does not secure both portions in this fashion, nor does Utzman correct this lack of teaching. Hunter further does not have teaching “wherein said butt block has an angled first portion and an angled second portion that meet at a central axis.” Furthermore, neither Hunter, nor Utzman use a butt block made of a flexible material, instead using metal or wood to form their supports.

Therefore, the Applicant respectfully submits that claims 1,2 and 5 are patentable over Hunter in view of Utzman. Neither Hunter nor Utzman either alone or in combination teach each and every limitation of independent claim 1. The Applicant further submits that claims 2 and 5 are allowable by virtue of their dependence upon allowable claim 1.

**4. Conclusion**

The Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

  
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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 5. This sheet, which includes Figs. 3-5, replaces the original sheet including Figs. 3-5. In Figure 5, previously omitted element 84 has been added.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes in Red

2/2  
 Amended sheet showing changes

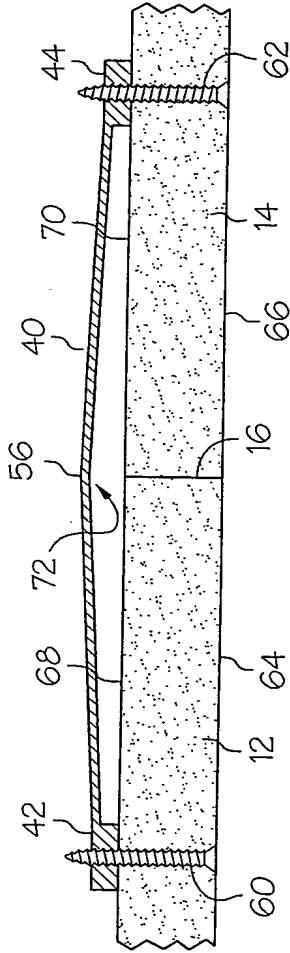


FIG. 3

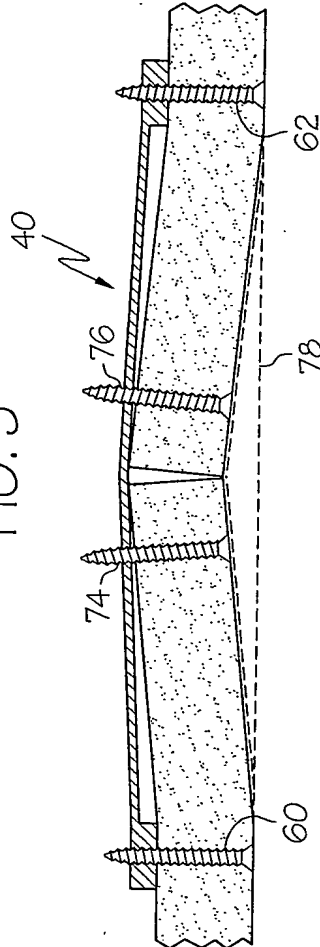


FIG. 4

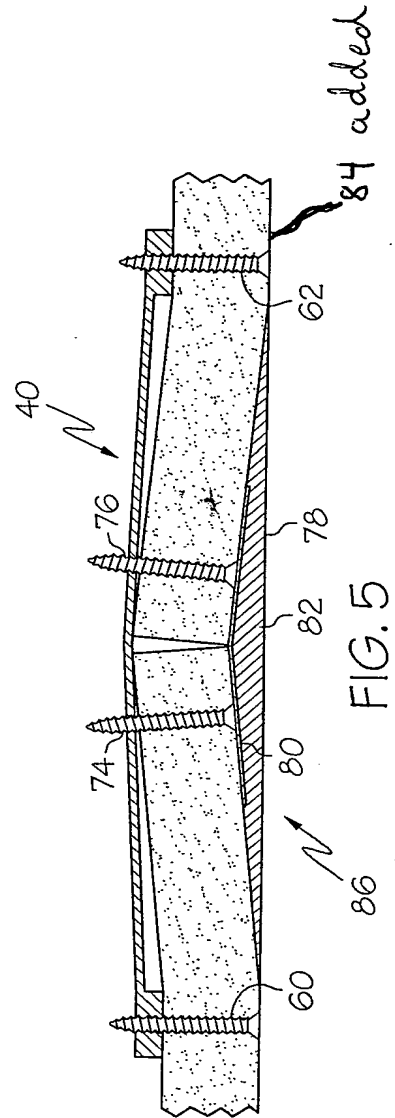


FIG. 5